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\*\*\* ACTIVITY REPORT \*\*\*  
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RECEPTION OK

TX/RX NO.

8936

CONNECTION TEL

3178715410

CONNECTION ID

START TIME

05/11 17:47

USAGE TIME

01'25

PAGES

6

RESULT

OK

08/135,059

DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022  
Tel. - 212-527-7700  
Fax - 212-753-6237

Date: September 23, 1998

Attorney Docket No.: 2338/08419

**TELECOPIER TRANSMISSION COVER SHEET**

Phone Number Transmitting To: 1-703-305-3597

To: **United States Patent and Trademark Office**

Examiner: Mr. Saul J. Rodriguez

Group Art Unit: 3622

Paper(s) Being Transmitted: Six pages of Petition under 37 C.F.R. 1.1.36(a), 1 page of Notice of Improper CPA Filing under 37 C.F.R. 1.53(d), 3 pages of Continuing Application filed on May 11, 1998 and Seven copies of printouts.

Number of Pages Being Transmitted (including cover): 18 pages

**CERTIFICATION OF FACSIMILE TRANSMISSION**

Serial No.: 08/135,059

Filed: 10/12/93

I hereby certify that these papers are being facsimile transferred to the United States Patent and Trademark Office on the date shown below.

Ema Gualano  
Name

September 23, 1998  
Date

  
Signature

M:\2338\08419\EAG7436

RECEIVED

SEP 23 1998

GROUP 3500

2338/08419

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Roland SEEBACHER et al.
Serial No.	08/135,059
Filed	10/12/93
For	POWER TRANSMITTING APPARATUS WITH FLUID COUPLING
Patent Examiner	Mr. Saul J. Rodriguez
Group Art Unit	3622

PETITION UNDER 37 C.F.R. §1.136(a)

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Your petitioners and their assignee (LuK Lamellen und Kupplungsbau GmbH), by their undersigned attorney, respectfully request that the above-referenced patent application Serial No. 08/135,059 or their CPA request deposited on May 11, 1998 (not on April 21, 1998 as stated in Paper dated July 21, 1998) be reinstated as expeditiously as possible.

The reasons for this petition are as follows:

(1) On February 25, 1998, the undersigned filed a Second Submission Under 37 C.F.R. §1.129(a) in response to the Final Action of May 8, 1997 which, in turn, was in response to the First Submission dated March 27, 1997. Receipt of the Second Submission (stating that

- 1 -

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GROUP 3500

it was filed on March 2, 1998) is acknowledged on page 2 (or page one?) of the Advisory Action (Paper No. 23) dated April 17, 1998. A copy of Paper No. 23 is enclosed.

The undersigned attorney contacted the Patent Examiner Mr. Rodriguez per telephone on April 23 and 24 and on May 1, 1998 in order to ascertain the reasons for the Examiner's refusal to consider the Second Submission, especially in view of the fact that the First Submission has been found to be acceptable and was fully responded to in the Final Action dated March 27, 1997. Mr. Rodriguez explained that, in his opinion, the filing of any Submission was improper, that this matter was discussed with his superiors (Primary Examiner Mr. Bonck and Supervisory Primary Examiner Mr. Marmor), and that his refusal to issue a regular Action in response to the Second Submission was approved by his superiors.

(2) Since a Notice of Appeal was filed on November 10, 1997 (please refer to page one (two?) of Paper No. 23), and since the undersigned attorney desired to avoid any, even remotest, possibility that the present application would become abandoned, a Request for a Continuation Application with all necessary documents was filed on May 11, 1998 (i.e., within six months from the date (November 10, 1997) of the Notice of



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

08/15/98 NUMBER 10/12/98 INVENTOR DACHHER FIRST NAMED APPLICANT R ATTORNEY RODRIGUEZ, S

08419

PM31/0721

RODRIGUEZ, S

3622

07/21/98

DATE MAILED:

11/21/98 DARBY & DARBY  
805 THIRD AVENUE  
NEW YORK, NY 10022  
FACSIMILE TRANSMISSION  
To: Mr. Kanter  
Fax No. 1941 434 6747  
From: H. Sternberg  
No. of Pages 1

**NOTICE OF IMPROPER CPA FILING UNDER 37 CFR 1.53(d)**  
**No Filing Date Granted**

The Continued Prosecution Application (CPA) request deposited on 4-21-98 is improper under 37 CFR 1.53(d) and has not been granted a filing date for reason(s) indicated below:

Any assertions that the above-mentioned CPA request is proper under 37 CFR 1.53(d) must be by way of petition directed to the attention of the Office of Petitions. Any such petition must be accompanied by the \$130.00 petition fee (37 CFR 1.17(f)). If the petition alleges that no defect exists, a request for refund of the petition fee may be included in the petition.

A petition under 37 CFR 1.53(e) as discussed above must be submitted within **TWO MONTHS** of the date of this notice (37 CFR 1.181(f)). **THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.138.** Failure to timely file a petition under 37 CFR 1.53(e) will result in the CPA request being retained in the file of the prior application but treated as never having been filed, in which case applicant may request a refund of the CPA filing fee (if submitted) less the \$130.00 handling fee (37 CFR 1.21(n)).

- ☐ 1. The prior application is not a complete (37 CFR 1.51(b)) application or the national stage of a PCT international application that is in compliance with 35 U.S.C. 371.
- ☐ 2. The request for a CPA was not filed before the payment of the issue fee on the prior application. The issue fee was paid on the prior application on \_\_\_\_\_.
- ☒ 3. The request for a CPA was not filed before the abandonment of, or termination of proceedings on, the prior application. The prior application was abandoned, or proceedings terminated on 5-29-98.
- ☐ 4. A petition for an extension of time under 37 CFR 1.136(a) accompanied by the appropriate fee (37 CFR 1.17(a)) are necessary to establish copendency between the prior application and this CPA request.
- ☐ 5. OTHER: \_\_\_\_\_

**A copy of this notice MUST be returned with the reply.**

Direct any questions about this Notice to:

Long White  
Examining Group 3600

(709) SO 5-7872



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 \*\*\* ERROR TX REPORT \*\*\*  
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TX FUNCTION WAS NOT COMPLETED

TX/RX NO 1494  
 CONNECTION TEL 17033053597  
 CONNECTION ID  
 ST. TIME 05/11 21:12  
 USAGE T 00'00  
 PGS. 0  
 RESULT NG

0 #018

SENT BY:Xerox Telecopier 7020 : 4-21-98 : 2:45PM : 2127536237- 1 941 434 6747: # 2

**EXPRESS MAIL CERTIFICATE**

Date \_\_\_\_\_ Label No. \_\_\_\_\_  
 I hereby certify that, on the date indicated above I  
 deposited this paper or fee with the U.S. Postal Service  
 and that it was addressed for delivery to the Commissioner  
 of Patents & Trademarks, Washington, DC 20231 by "Express  
 Mail Post Office to Addressee" service.

Name (Print) \_\_\_\_\_

Signature \_\_\_\_\_

File No.  
 2338/08419-US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Roland SEEBACHER, Helmut MÜLLER, Dieter OTTO and  
 Steven OLSEN  
 For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

**CONTINUING APPLICATION**

Hon. Commissioner of  
 Patents and Trademarks  
 Washington, DC 20231

Sir:

This is a request for filing under 37 C.F.R. 1.53(b) of a:

☒ Continuation ☐ Divisional

application of the following pending prior application:

Serial No. 08/135,059 Filed: 10/12/93

Of: Roland SEEBACHER, Helmut MÜLLER, Dieter Otto and Steven OLSEN

For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

EXPRESS MAIL CERTIFICATE

Date \_\_\_\_\_ Label No. \_\_\_\_\_  
I hereby certify that, on the date indicated above I  
deposited this paper or fee with the U.S. Postal Service  
and that it was addressed for delivery to the Commissioner  
of Patents & Trademarks, Washington, DC 20231 by "Express  
Mail Post Office to Addressee" service.

Name (Print) \_\_\_\_\_ Signature \_\_\_\_\_

File No.  
2338/08419-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CONTINUING APPLICATION

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Serial No. 08/135,059 Filed: 10/12/93

Of: Roland SEEBACHER, Helmut MÜLLER, Dieter Otto and Steven OLSEN

For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

Examiner: Mr. Saul Rodriguez Group: 3622

1. Enclosed is a copy of the prior application as originally filed (along with a copy of the original Declaration). No amendments identified in the declaration for this prior application introduced new matter. Please use this copy as the application and declaration for the present case.

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In re Application of: Roland SEEBACHER, Helmut MÜLLER, Dieter OTTO and  
Steven OLSEN  
For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

**CONTINUING APPLICATION**

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TX FUNCTION WAS NOT COMPLETED

TX/RX NO 1483

CONNECTION TEL 17033035597

CONNECTION ID 05/11 21:03

ST. TIME 00:00

USAGE T 0

PGS 0

RESULT NG

#018

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\*\*\* ERROR TX REPORT \*\*\*  
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10/12/93 14:52



In re Application of: Roland SEEBACHER, Helmut MÜLLER, Dieter OTTO and  
Steven OLSEN  
For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

**CONTINUING APPLICATION**

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

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☒ Continuation ☐ Divisional

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Serial No. 08/135,059 Filed: 10/12/93

Of: Roland SEEBACHER, Helmut MÜLLER, Dieter Otto and Steven OLSEN

For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

Examiner: Mr. Saul Rodriguez Group: 3622

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TX FUNCTION WAS NOT COMPLETED

TX/RX NO 1492

CONNECTION TEL 17033053597

CONNECTION ID 05/11 20:53

ST. TIME 00:00

USAGE 1 0

PGS. 0

RESULT NC

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\*\*\* ERROR TX REPORT \*\*\*  
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4-1  
pg. 27-40 of spec

In re Application of: Roland SEEBACHER, Helmut MÜLLER, Dieter OTTO and  
Steven OLSEN  
For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

**CONTINUING APPLICATION**

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

This is a request for filing under 37 C.F.R. 1.53(b) of a:

☒ Continuation ☐ Divisional

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Serial No. 08/135,059 Filed: 10/12/93

Of: Roland SEEBACHER, Helmut MÜLLER, Dieter Otto and Steven OLSEN

For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

Examiner: Mr. Saul Rodriguez Group: 3622

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TX FUNCTION WAS NOT COMPLETED

TX/RX NO 1491

CONNECTION TEL 17033063597

CONNECTION ID

ST. TIME 05/11 20:42

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PGS 0

RESULT NG

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\*\*\* ERROR TX REPORT \*\*\*  
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209.7  
17  
pp. 7-23

In re Application of: Roland SEEBACHER, Helmut MÜLLER, Dieter OTTO and  
Steven OLSEN  
For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

**CONTINUING APPLICATION**

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

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☒ Continuation ☐ Divisional

application of the following pending prior application:

Serial No. 08/135,059 Filed: 10/12/93

Of: Roland SEEBACHER, Helmut MÜLLER, Dieter Otto and Steven OLSEN

For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

Examiner: Mr. Saul Rodriguez Group: 3622

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TX FUNCTION WAS NOT COMPLETED

TX/RX NO 1490

CONNECTION TEL 17033053597

CONNECTION ID 05/11 20:19

ST. TIME 00:00

USAGE T 0

PGS. 0

RESULT NG

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\*\*\* ERROR TX REPORT \*\*\*  
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all work - done  
10/27/93

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filing of the CPA application.

(6) Your petitioners sincerely believe that no fee is due to be paid in connection with the filing of this petition. However, if the PTO is of the opinion that a fee is to be paid in spite of the fact that the application Serial No. 08/135,059 stands abandoned due to certain erroneous conclusions, decisions and/or interpretations by the PTO, applicants herewith respectfully request that such fee or fees be charged to the account No. 04-0100 of DARBY & DARBY, P.C.

A favorable disposition at the earliest possible date is earnestly solicited.

Respectfully submitted,

DARBY & DARBY, P.C.

Dated: 09/21/98

By Peter K. Kontler  
Peter K. Kontler  
Reg. No. 20,384

Encls.

In re Application of: Roland SEEBACHER, Helmut MÜLLER, Dieter OTTO and  
Steven OLSEN  
For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

**CONTINUING APPLICATION**

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

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☒ Continuation ☐ Divisional

application of the following pending prior application:

Serial No. 08/135,059 Filed: 10/12/93

Of: Roland SEEBACHER, Helmut MÜLLER, Dieter Otto and Steven OLSEN

For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

Examiner: Mr. Saul Rodriguez Group: 3622

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TX FUNCTION WAS NOT COMPLETED	
TX/RX NO	1489
CONNECTION TEL	17033053597
CONNECTION ID	05/11 20:08
ST. TIME	00.00
USAGE T	0
PGS	0
RESULT	NG
#018	0
***** *** ERROR TX REPORT *** *****	

In re Application of: Roland SEEBACHER, Helmut MÜLLER, Dieter OTTO and  
Steven OLSEN  
For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

**CONTINUING APPLICATION**

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

This is a request for filing under 37 C.F.R. 1.53(b) of a:

☒ Continuation ☐ Divisional

application of the following pending prior application:

Serial No. 08/135,059 Filed: 10/12/93

Of: Roland SEEBACHER, Helmut MÜLLER, Dieter Otto and Steven OLSEN

For: POWER TRANSMITTING APPARATUS WITH FLUID COUPLING

Examiner: Mr. Saul Rodriguez Group: 3622

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TX FUNCTION WAS NOT COMPLETED  
1489  
17033053597  
GROUP 3500 USPTO  
05/11 20:00  
01:58  
USAGE T  
PCS.  
RESULT  
TX/RX NO  
CONNECTION TEL  
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ST. TIME  
TX/RX NO  
CONNECTION TEL  
CONNECTION ID  
ST. TIME  
USAGE T  
PCS.  
RESULT

\*\*\*\*\*  
\*\*\* ERROR TX REPORT \*\*\*  
\*\*\*\*\*



2. The filing fee is calculated below:

**CLAIMS AS FILED, AFTER ACCOMPANYING AMENDMENT**

	Claims on File	Number Extra	Rate
Basic Fee .....			\$ 790.00
Total Claims .....	68 - 20 = 48	x \$22	\$1056.00
Independent Claims .....	3 - 3 =	x \$82	\$
If Multiple Dependent Claims Are Present, Add \$270.00 .....			\$
Total Filing Fee .....			\$1846.00
For Small Entity (half of preceding total)* .....			\$

\*No. 9 below must be checked to claim this reduction.

3. A check in the amount of \$ is enclosed.  
Please charge the amount of \$1846.00 and any other fees payable  
with this continuation application to the Account No. 04-0100 of

4. ☐ Cancel claims. DARBY & DARBY, P.C.

5. ☒ Amend the specification by inserting before the first line the sentence  
(check one and fill in):

10/12/93 "This is a ☒ continuation, ☐ division, of application Serial No. 08/135,059  
filed ☒ Each of these prior applications is hereby incorporated  
herein by reference, in its entirety."

6. ☐ The prior application is assigned to: LuK Lamellen und Kupplungsbau GmbH

7. ☐ A Preliminary Amendment is also enclosed.

8. ☒ Informal Drawings are filed herewith

9. ☐ A verified statement claiming small entity status (check one):

☐ was filed in parent application or

☐ is enclosed.

10. ☒ Priority is claimed from

Country: Federal Republic Germany  
Number: P 42 34 304  
Date: 10/12/92

The priority document

☒ was filed in the prior application  
☐ is enclosed.

11. The Assignment

6736 0264

☒ was recorded at Reel / Frame / on 10/12/93  
☐ is enclosed.

Dated: May 11, 1998

Respectfully submitted,

*Peter K. Kontler*

Peter K. Kontler

Reg. No. 20,384

Attorney for Applicant(s)

(D&D Form/PTO-2)

I hereby certify that this Request for Continuing Application under 37 C.F.R. 1.53(b), with all enclosures listed therein, has been forwarded by facsimile to Group Art Unit 3502 (facsimile No. 703 305 3597) on May 11, 1998.

*Peter K. Kontler* May 11, 1998  
Peter K. Kontler May 11, 1998